

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEITH DAVIS,

Petitioner,

v.

COURT OF COMMON PLEAS
PHILADELPHIA, *et al.*,

Respondents.

CIVIL ACTION
NO. 15-5113

ORDER

AND NOW, this 4th day of May, 2016, upon careful and independent consideration of the Petition for Writ of *Habeas Corpus* filed on October 26, 2015 (ECF No. 3),¹ the Response to the Petition (ECF No. 15), and after review of the Report and Recommendation of United States Magistrate Henry S. Perkin (ECF No. 18) and Petitioner's Objections and Interrogatories² (ECF Nos. 20–21), it is hereby **ORDERED** that:

1. Petitioner's objections are **OVERRULED**;
2. The Report and Recommendation is **APPROVED** and **ADOPTED**;
3. The petition for Writ of *Habeas Corpus* is **DENIED** without prejudice and **DISMISSED** without an evidentiary hearing; and

¹ As noted by the Court's October 1, 2015 Order, when Petitioner initially filed his Petition for Writ of *Habeas Corpus* (ECF No. 1), he did not use the standard 28 U.S.C. Section 2241 form as has been required by this Court since October 2009. (*See* ECF No. 2.) Petitioner was provided with a blank copy of the Court's current standard form for *habeas corpus* relief, which he completed and returned to the Clerk of Court for filing on October 26, 2015. (*See* ECF No. 3.)

² Petitioner's objections contend, *inter alia*, that: (1) "the Magistrate should be removed and his R&R stricken [sic] from the record, as a consequence of his evident bias and conspiracy with the Philadelphia District Attorney's Office . . . and the Magistrate is also a liar"; (2) "the issue of hybrid representation, is a constructed farce by both the Commonwealth Court and this Court"; (3) "the Exhaustion requirement is used as a hoax so that the District Attorney can become better prepared win [sic] the case"; and (3) "the exhaustion requirement has been used by the Third Circuit Court as a scam to promote the Commonwealth's interest, by covertly sabotaging the writ of habeas corpus protections." (Pet'r's Objs. at 1–4, ECF No. 20.) The Court has thoroughly reviewed Petitioner's objections and finds them meritless.

4. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.